



**DECLARATION OF UNINTENTIONAL ABANDONMENT**  
**UNITED STATES PATENT APPLICATION No. 09/918,523**

I, Mr. Raja Singh Tuli, a Canadian citizen, residing at 315 Prince Arthur West, Apartment No. 302, in the City of Montreal, Province of Quebec, H2X 3R8, CANADA, hereby declare:

- THAT I am the inventor of the invention disclosed in United States Patent Application No. 09/918,523.
- THAT I am also the owner of an internet and related software and device products business situated at 555 Rene-Levesque West, Suite 1130, in the City of Montreal, Province of Quebec H2Z 1B1, CANADA.
- THAT I am frequently required to travel outside of Montreal in order to attend to a variety of business matters and, as such, am often absent for long periods of time from my place of business thereby obligating me to fully delegate certain matters to people under my employment.
- THAT I am neither a citizen nor a resident of the United States of America.
- THAT I have no legal training in Canada or elsewhere and that I have never qualified or sought to take the Canadian Patent Agent Exams and I have never followed any course or conference related to patent law in Canada or elsewhere.
- THAT on June 16, 2003 I hired a Mr. Naim Khan, who would assist me in managing and protecting my various inventions related to my business. Mr. Khan confirmed that he could handle patent matters for me and he presented himself as a "patent practitioner". More specifically, he was hired to draft, file and prosecute patent applications in the United States among other various tasks. Mr. Khan assumed these responsibilities without any internal or external supervision and more specifically, he handled all correspondence, drafting, filing, docketing, prosecution, procedures, monitoring of deadlines and all other matters related to patent applications and he advised me as to which documents I needed to sign.

- THAT Mr. Khan worked at my offices between two (2) to three (3) days a week and from his residence the rest of the time; as such, it appeared to me that patent related documents were located at his residence and my offices under his sole supervision.
- THAT Mr. Khan's employment ended on March 15, 2007.
- THAT during the full length of Mr. Khan's employ, he appeared to me as properly performing his tasks and more particularly, it did not appear to me that he had jeopardized my rights.
- THAT subsequently to the ending of Mr. Khan's employment, I attempted to follow up on the various patent files at my offices and I could not understand the order of documents, nor their pertinence. Furthermore, I realized that certain correspondence that should have been brought to my attention never had been. Concurrently, I sought to hire someone who understood patent matters since I did not believe to have the competence and the understanding do to this work myself. Various attempts at hiring individuals were not successful.
- THAT, on September 10 2007 I hired a Mr. Corey Turnbull who confirmed that he understood and could handle patent matters in the United States and represented himself as a "patent practitioner".
- THAT Mr. Turnbull worked in a manner that was similar to that of Mr. Khan, namely he worked without supervision and mostly from his residence.
- THAT in September 2007 after attempting to put order in my files, Mr. Turnbull brought to my attention, for the first time, that a Notice of Allowance and Fee(s) Due from the USPTO relative to United States Application No. 09/918,523 was mailed on January 7, 2005 and that a Notice of Abandonment was issued on July 13, 2005.
- THAT I immediately asked Mr. Turnbull to take the necessary steps to revive this application.
- THAT Mr. Turnbull prepared and filed a petition to revive the present Application, that was signed by me on September 28, 2007.

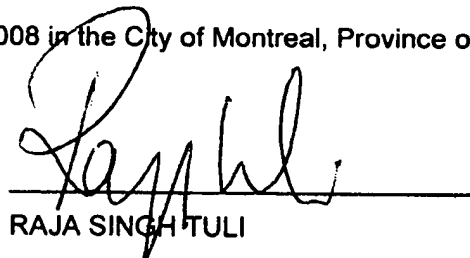
- THAT the foregoing petition was dismissed by the USPTO on January 25, 2008 as would appear from the file wrapper of the present Application.
- THAT Mr. Turnbull's employment ended on March 21 2008.
- THAT during the following months I again started seeking assistance from a professional who understood patent matters.
- THAT on June 5<sup>th</sup>, 2008, I contacted Mr. Athanasios (Tom) Vouloumanos, a Canadian Patent Agent (Registration no. 11282), a lawyer (member of the Bar of the Province of Quebec), and a partner at the Law, Patent and Trademark Agency firm of BCF LLP, situated at 1100 Rene-Levesque Boulevard West, 25<sup>th</sup> Floor, in the City of Montreal, Province of Quebec, H3B 5C9, CANADA.
- THAT Mr. Vouloumanos visited my offices on June 17<sup>th</sup>, 2008 and reviewed the various patent application and patent files that I could locate in my offices.
- THAT Mr. Vouloumanos ascertained and explained to me that many documents seemed to be missing from most of my files, that some correspondence in certain cases was in fact filed under the wrong application number and that, in general, the file history was not in an orderly fashion which could allow a patent practitioner to properly verify the status of any given case.
- THAT on June 17, 2008, Mr. Vouloumanos contacted the law firm of Dowell & Dowell, situated at 2111 Eisenhower Avenue Suite 406 Alexandria, VA 22314, USA so that Dowell & Dowell may be become attorneys/agents of record in the present Application as well as in other cases.
- THAT BCF LLP also mandated Dowell & Dowell, on my behalf, to request the file wrapper of the present Application as well as other cases so that these files could be reconstructed in an orderly fashion to permit a competent patent practitioner to advise me as to my rights.
- THAT, in due course, the requested file wrappers were sent by the USPTO to Dowell & Dowell and forwarded from Dowell & Dowell to BCF LLP; these cases were then properly docketed by the aforementioned firms.

- THAT, for the first time, I was made aware by BCF LLP and Dowell & Dowell of the severity of the state of the present application as well as of the abandonments in other matters.
- THAT I now understand that had I originally received assistance from a competent patent practitioner such as US Patent Attorney or Agent my applications and patents would not have been mishandled and my rights would not be in the present precarious situation.
- THAT I can potentially suffer great injury in the permanent loss of my patent rights due to the fact that people under my employment misrepresented their competence, did not bring important correspondence to my attention, and did not keep a proper record of correspondence with the USPTO.
- THAT given these circumstances I seek that all necessary steps are taken so as to revive my various patents and patent applications which have gone abandoned without my knowledge let alone my consent or intention therefor.
- THAT one of my companies, OLA DISPLAY, whose head office is situated at my aforementioned place of business, has spent large sums of money in the last five (5) years developing the products that the present Application seeks to protect. Furthermore, three (3) of my employees have been working on this project full time during those five years.
- THAT I understand there may be intervening rights with respect to third parties established during the pendency of any application or patent.
- THAT I only seek to protect my rights in the invention I have invested much time, effort and finances.
- THAT at no time, did I have any intention of abandoning the present patent Application and that I was simply not aware of correspondence from the USPTO stating that this application was abandoned. Furthermore, I could not understand the file history of the file regarding this Application that was at my offices due to my lack of knowledge with respect to United States Patent Law and due to the complete

disorder of the physical files in my possession as well as missing correspondence. Moreover, I was not aware that I could have obtained copies of the file wrappers.

- THAT I am in the process of identifying other patent cases that may require regularisation as a result of the above related situation, which I had no reason to suspect until recently.
- THAT I have only become aware of my rights and obligations upon seeking competent counsel.
- THAT I am fully aware of the fact that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the Application and or any patent issuing therefrom, and I hereby declare that all statements made of my own knowledge are true and all statements made on information and belief are believed to be true.

Signed on July 25, 2008 in the City of Montreal, Province of Quebec, Canada



RAJA SINGH TULI